IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI PINAKI CHANDRA GHOSE
AND
THE HON'BLE JUSTICE SRI VILAS V. AFZULPURKAR

WRIT PETITION No.5886 of 2000

DATE: 05.03.2013

Between:

Patlavath Surya Naik & others.

... Petitioners

And

A.P. Mineral Development Corporation,
Rep., by its Managing Director,
Hyderabad and others.

... Respondents

This Court made the following:

**THE HON'BLE THE CHIEF JUSTICE SRI PINAKI CHANDRA GHOSE**
**AND**
**THE HON'BLE JUSTICE SRI VILAS V. AFZULPURKAR**

**WRIT PETITION No.5886 of 2000**

**ORDER:** (Per the Hon'ble the Chief Justice Sri Pinaki Chandra Ghose)

This Writ Petition is filed for a Mandamus to declare the action of the 1st respondent in running the quartz mines at Elkatta and Chowlapally villages without providing any protective measures against Silica dust to the workers employed therein and thereby causing the diseases of Silicosis ad Silico Tuberculosis, as illegal and arbitrary and consequently direct the respondents to take full responsibility for treatment and well-being of the workers affected by the said diseases and initiate action in accordance with law and pay compensation of Rs.2 lakhs to the families of each of the deceased workers and Rs.1 lakh to each of the sick workers.

It appears that on 25.02.2013 this Court directed the authorities to propound the scheme to safeguard the life and liberty of the persons, who are suffering from occupational diseases or Silicosis.

Today, at the hearing, the learned Advocate General appearing on behalf of the A.P. Mineral Development Corporation Limited placed before this Court the proposed scheme and handed over a copy of the said scheme to the learned counsel appearing on behalf of the petitioners

and stated that the said scheme has already been given effect to by the authorities. The facilities extended by the Corporation to its work persons, who are affected by the occupational disease, are as follows:

> "1. The workmen who have worked with the Corporation at Elkatta and Chowlapalli Villages shall submit their application to the Compensation Commissioner appointed under Workman's Compensation Act, 1923, if they are affected by the occupational disease i.e., Silicosis.
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> 2. The Compensation Commissioner, after the receipt of such application with proper evidence of having worked with the Corporation shall refer such applicants to the Inspector of Mines (Medical) under Directorate General of Mines Safety, Ministry of Labour, Government of India to get the examination conducted to such persons who are suffering from occupational disease for confirmation.
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> 3. After getting the confirmation of such work persons having affected by the occupational disease i.e., Silicosis, from the Inspector of Mines (Medical), the applicants has to submit such reports to the Compensation Commissioner appointed under Workmen Compensation Act, 1923. The Compensation Commissioner after careful examination shall decide the amount of compensation based on the age and severity of the occupational disease.
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> 4. The Corporation agrees to pay the compensation as decided by the Compensation Commissioner to the work persons who have affected by occupational disease and having worked with the Corporation and having lost their lives, which will be confirmed after verification, the compensation will be paid to the legal heirs through Compensation Commissioner.
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> 5. The Corporation agrees to pay the compensation as fixed by the Compensation Commissioner to those Silicosis affected persons and have worked with the Corporation and still suffering from the occupational disease. Further, medical assistance to such persons shall be provided at the cost of the Corporation.
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> 6. It is further to state that the Corporation agrees to extend additional benefit of Rs.500/- per widow per month to the widows of work persons died due to silicosis after having

worked with the Corporation and after due verification, as widow pension. Such benefit will be extended only after the compensation granted by Compensation Commissioner under Workmen Compensation Act, 1923."

Since the only question that arose at this stage is identification of the persons, who suffered to get the benefit of the said scheme, we only direct the petitioners to apply before the authorities concerned for the purpose of furnishing necessary documents required by the petitioners within a period of two weeks from today and on receipt of such application, the authorities, on the basis of the record available with them, shall furnish copies of the documents to the petitioners within a period of two weeks thereafter. Thereafter, the petitioners shall apply before the authorities concerned claiming the amount to be paid to the persons, who were affected, under the scheme and on receipt of such application, the said authorities shall consider the same and pay compensation in accordance with the scheme in question. If any help is required from the revenue authorities by the persons, who were affected, generosity shall be shown and shall be dealt with on humanitarian ground.

Subject to the above observations, the Writ Petition is disposed of. No costs.

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**PINAKI CHANDRA GHOSE, CJ**

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**VILAS V. AFZULPURKAR, J**

Date: 05.03.2013
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